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# HOUSE BILL No. 1370

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-2.1-3-2; IC 3-5; IC 3-8; IC 3-9; IC 3-10-8-5; IC 3-11; IC 3-11.5-4-2; IC 3-12-1; IC 3-13; IC 33-23-11-15.

**Synopsis:** Ballot vacancies. Provides that if a candidate dies, withdraws, or is disqualified after the delivery of absentee ballots to the clerk, the name of the candidate remains on the ballot and the candidate vacancy is not filled for a general, municipal, or special election. Provides that if the candidate wins the election, the office vacancy is filled under existing law. Repeals statutes concerning the filling of late candidate vacancies, the reprinting of ballots, and procedures for updating ballots after printing.

**Effective:** July 1, 2005.

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### Tincher

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January 13, 2005, read first time and referred to Committee on Elections and Apportionment.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1370

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 2-2.1-3-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Not later than  
3 seven (7) calendar days following the first session day in January of  
4 each year every member of the general assembly shall file with the  
5 principal clerk of the house or secretary of the senate, respectively, a  
6 written statement of the member's or candidate's economic interests for  
7 the preceding calendar year listing the following:

8 (1) The name of the member's or candidate's employer and the  
9 employer of the member's or candidate's spouse and the nature of  
10 the employer's business. The house of representatives and senate  
11 need not be listed as an employer.

12 (2) The name of any sole proprietorship owned or professional  
13 practice operated by the member or candidate or the member's or  
14 candidate's spouse and the nature of the business.

15 (3) The name of any partnership of which the member or  
16 candidate or the member's or candidate's spouse is a member and  
17 the nature of the partnership's business.

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(4) The name of any corporation of which the member or candidate or the member's or candidate's spouse is an officer or director and the nature of the corporation's business. Churches need not be listed.

(5) The name of any corporation in which the member or candidate or the member's or candidate's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). No time or demand deposit in a financial institution or insurance policy need be listed.

(6) The name of any state agency or the supreme court of Indiana which licenses or regulates the following:

(A) The member's or candidate's or the member's or candidate's spouse's profession or occupation.

(B) Any proprietorship, partnership, corporation, or limited liability company listed under subdivision (2), (3), or (4) and the nature of the licensure or regulation.

The requirement to file certain reports with the secretary of state or to register with the department of state revenue as a retail merchant, manufacturer, or wholesaler shall not be considered as licensure or regulation.

(7) The name of any person whom the member or candidate knows to have been a lobbyist in the previous calendar year and knows to have purchased any of the following:

(A) From the member or candidate, the member's or candidate's sole proprietorship, or the member's or candidate's family business, goods or services for which the lobbyist paid in excess of one hundred dollars (\$100).

(B) From the member's or candidate's partner, goods or services for which the lobbyist paid in excess of one thousand dollars (\$1,000).

This subdivision does not apply to purchases made after December 31, 1998, by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(8) The name of any person or entity from whom the member or candidate received the following:

(A) Any gift of cash from a lobbyist.

(B) Any single gift other than cash having a fair market value in excess of one hundred dollars (\$100).

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1 However, a contribution made by a lobbyist to a charitable  
 2 organization (as defined in Section 501(c) of the Internal Revenue  
 3 Code) in connection with a social or sports event attended by  
 4 legislators need not be listed by a member of the general assembly  
 5 unless the contribution is made in the name of the legislator.

6 (C) Any gifts other than cash having a fair market value in the  
 7 aggregate in excess of two hundred fifty dollars (\$250).  
 8 Campaign contributions need not be listed. Gifts from a spouse  
 9 or close relative need not be listed unless the donor has a  
 10 substantial economic interest in a legislative matter.

11 (9) The name of any lobbyist who is:

12 (A) a member of a partnership or limited liability company;

13 (B) an officer or a director of a corporation; or

14 (C) a manager of a limited liability company;

15 of which the member of or candidate for the general assembly is  
 16 a partner, an officer, a director, a member, or an employee, and a  
 17 description of the legislative matters which are the object of the  
 18 lobbyist's activity.

19 (10) The name of any person or entity on whose behalf the  
 20 member or candidate has appeared before, contacted, or  
 21 transacted business with any state agency or official thereof, the  
 22 name of the state agency, the nature of the appearance, contact, or  
 23 transaction, and the cause number, if any. This requirement does  
 24 not apply when the services are rendered without compensation.

25 (11) The name of any limited liability company of which the  
 26 member of the general assembly, the candidate, or the member's  
 27 or candidate's individual spouse has an interest.

28 (b) Before any person, who is not a member of the general assembly  
 29 files the person's declaration of candidacy, declaration of intent to be  
 30 a write-in candidate, or petition of nomination for office or is selected  
 31 as a candidate for the office under IC 3-13-1, ~~or IC 3-13-2~~, the person  
 32 shall file with the clerk of the house or secretary of the senate,  
 33 respectively, the same written statement of economic interests for the  
 34 preceding calendar year that this section requires members of the  
 35 general assembly to file.

36 (c) Any member of or candidate for the general assembly may file  
 37 an amended statement upon discovery of additional information  
 38 required to be reported.

39 SECTION 2. IC 3-5-2-7.5 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7.5. As used in IC 3-9,  
 41 "caucus" refers to a caucus to fill a candidate vacancy under IC 3-13-1.  
 42 ~~or IC 3-13-2~~. The term does not include a caucus to fill a vacant office

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under IC 3-13-5 or IC 3-13-11.

SECTION 3. IC 3-5-2-32.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 32.7. "Nomination date" refers to the following:

(1) For candidates nominated in a primary election, the date of the primary election.

(2) For candidates nominated in a convention, the date the convention is scheduled to be called to order, according to the call of the convention issued by the political party.

(3) For candidates selected to fill a ballot vacancy, the date the certificate of selection of the candidate is filed under IC 3-13-1-15. ~~or IC 3-13-2-8.~~

(4) For candidates nominated by petition, the final date the petition of nomination is permitted to be filed under IC 3-8-6-10(c).

(5) For write-in candidates, the final date the candidate's declaration of intent to be a write-in candidate is permitted to be filed under IC 3-8-2-4.

SECTION 4. IC 3-5-2-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 35. "Paster" means a sticker that is used to correct the name of a candidate on ballots whenever

~~(1) a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2; or~~

~~(2) a change must be made to correct any error~~  
after the ballots are printed and before the election.

SECTION 5. IC 3-5-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) This section does not apply to any of the following:

(1) A candidate in a presidential primary election under IC 3-8-3.

(2) A candidate for President of the United States.

(3) A candidate for Vice President of the United States.

(b) As used in this section, "candidacy document" refers to any of the following:

(1) A declaration of intent to be a write-in candidate.

(2) A declaration of candidacy.

(3) A consent to the nomination.

(4) A consent to become a candidate.

(5) A certificate of candidate selection.

~~(6) A consent filed under IC 3-13-2-7.~~

~~(7)~~ (6) A statement filed under IC 33-24-2 or IC 33-25-2.

(c) Whenever a candidate files a candidacy document on which the candidate uses a name that is different from the name set forth on the

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candidate's voter registration record, the candidate's signature on the candidacy document constitutes a request to the county voter registration office that the name on the candidate's voter registration record be the same as the name the candidate uses on the candidacy document.

(d) A request by a candidate under this section is considered filed with the county voter registration office when the candidacy document is filed with the election division or the county election board.

(e) The election division or the county election board shall forward a request filed under this section to the county voter registration office not later than seven (7) days after receiving the request.

SECTION 6. IC 3-8-1-1.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.6. (a) This section does not apply to a candidate unless the candidate is required to file a campaign finance statement of organization under IC 3-9-1-5 or IC 3-9-1-5.5.

(b) Not later than noon fourteen (14) days after the final day for filing a declaration of candidacy, declaration of intent to be a write-in candidate, petition of nomination, certificate of nomination, or certificate of candidate selection under IC 3-13-1-15, ~~or IC 3-13-2-8~~, the election division or county election board shall determine if a candidate has complied with IC 3-9-1-5 or IC 3-9-1-5.5 (if applicable) by filing any campaign finance statement of organization required for the candidate's committee.

SECTION 7. IC 3-8-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The commission, a county election board, or a town election board shall act if a candidate (or a person acting on behalf of a candidate in accordance with state law) has filed any of the following:

- (1) A declaration of candidacy under IC 3-8-2 or IC 3-8-5.
- (2) A request for ballot placement in a presidential primary under IC 3-8-3.
- (3) A petition of nomination or candidate's consent to nomination under IC 3-8-6.
- (4) A certificate of nomination under IC 3-8-5, IC 3-8-7, IC 3-10-2-15, or IC 3-10-6-12.
- (5) A certificate of candidate selection under IC 3-13-1. ~~or IC 3-13-2.~~
- (6) A declaration of intent to be a write-in candidate under IC 3-8-2-2.5.
- (7) A contest to the denial of certification under IC 3-8-6-12.

(b) The commission has jurisdiction to act under this section with

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regard to any filing described in subsection (a) that was made with the election division. Except for a filing under the jurisdiction of a town election board, a county election board has jurisdiction to act under this section with regard to any filing described in subsection (a) that was made with the county election board, county voter registration office, or the circuit court clerk. A town election board has jurisdiction to act under this section with regard to any filing that was made with the county election board, the county voter registration office, or the circuit court clerk for nomination or election to a town office.

(c) Except as provided in subsection (e), before the commission or election board acts under this section, a registered voter of the election district that a candidate seeks to represent must file a sworn statement with the election division or election board:

- (1) questioning the eligibility of a candidate to seek the office; and
- (2) setting forth the facts known to the voter concerning this question.

(d) The eligibility of a write-in candidate or a candidate nominated by a convention, petition, or primary may not be challenged under this section if the commission or board determines that all of the following occurred:

- (1) The eligibility of the candidate was challenged under this section before the candidate was nominated.
- (2) The commission or board conducted a hearing on the affidavit before the nomination.
- (3) This challenge would be based on substantially the same grounds as the previous challenge to the candidate.

(e) Before the commission or election board can consider a contest to the denial of a certification under IC 3-8-6-12, a candidate (or a person acting on behalf of a candidate in accordance with state law) must file a sworn statement with the election division or election board:

- (1) stating specifically the basis for the contest; and
- (2) setting forth the facts known to the candidate supporting the basis for the contest.

(f) Upon the filing of a sworn statement under subsection (c) or (e), the commission or election board shall determine the validity of the questioned:

- (1) declaration of candidacy;
- (2) declaration of intent to be a write-in candidate;
- (3) request for ballot placement under IC 3-8-3;
- (4) petition of nomination;
- (5) certificate of nomination;

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(6) certificate of candidate selection issued under IC 3-13-1-15;

~~or IC 3-13-2-8~~; or

(7) denial of a certification under IC 3-8-6-12.

(g) The commission or election board shall deny a filing if the commission or election board determines that the candidate has not complied with the applicable requirements for the candidate set forth in the Constitution of the United States, the Constitution of the State of Indiana, or this title.

SECTION 8. IC 3-8-1-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) Except as provided in IC 3-13-1-19 ~~and IC 3-13-2-10~~ for filling a vacancy on a ticket, a person who:

(1) is defeated in a primary election;

(2) appears as a candidate for nomination at a convention and is defeated;

(3) files a declaration of candidacy for nomination by a county, city, or town convention and is defeated; or

(4) files a declaration of candidacy for nomination by a caucus conducted under IC 3-13-1 ~~or IC 3-13-2~~ and is defeated;

is not eligible to become a candidate for the same office in the next general or municipal election.

(b) For the purposes of subsection (a):

(1) a candidate for an at-large seat on a fiscal body is considered a candidate for the same office as a candidate for a district seat on a fiscal body; and

(2) a candidate for United States representative from a district in Indiana is considered a candidate for the same office as a candidate for any other congressional district in Indiana.

(c) This section does not apply to a candidate who files a written request for placement on the presidential primary ballot under IC 3-8-3.

SECTION 9. IC 3-8-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. A candidate for the office of judge of a superior or probate court must:

(1) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15; ~~or IC 3-13-2-8~~; and

(2) comply with any other requirement for that office set forth in IC 33-29, IC 33-33, or IC 33-31.

SECTION 10. IC 3-8-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. A candidate for the office of judge of a county court must:

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- (1) be a United States citizen; and  
 (2) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination, or upon the filing of a certificate of candidate selection under IC 3-13-1-15. ~~or IC 3-13-2-8.~~

SECTION 11. IC 3-8-1-28.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 28.5. (a) This section does not apply to a candidate for the office of judge of a city court in a city located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(b) A candidate for the office of judge of a city court must reside in the city upon filing a declaration of candidacy or declaration of intent to be a write-in candidate required under IC 3-8-2, a petition of nomination under IC 3-8-6, or a certificate of nomination under IC 3-10-6-12.

(c) A candidate for the office of judge of a city court must reside in a county in which the city is located upon the filing of a certificate of candidate selection under IC 3-13-1-15. ~~or IC 3-13-2-8.~~

(d) This subsection applies to a candidate for the office of judge of a city court listed in IC 33-35-5-7(c). Before a candidate for the office of judge of the court may file a:

- (1) declaration of candidacy or petition of nomination;  
 (2) certificate of candidate selection under IC 3-13-1-15; ~~or IC 3-13-2-8;~~ or  
 (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 12. IC 3-8-1-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29.5. (a) This section applies to a candidate for the office of judge of a town court listed in IC 33-35-5-7(c).

(b) Before a candidate for the office of judge of the court may file a:

- (1) declaration of candidacy or petition of nomination;  
 (2) certificate of candidate selection under IC 3-13-1-15; ~~or IC 3-13-2-8;~~ or  
 (3) declaration of intent to be a write-in candidate or certificate of nomination under IC 3-8-2-2.5 or IC 3-10-6-12;

the candidate must be an attorney in good standing admitted to the practice of law in Indiana.

SECTION 13. IC 3-8-1-30 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 30. A candidate for the office of judge of a small claims court must:

- (1) be a United States citizen upon taking office;
- (2) either:
  - (A) have resided in the township from which the candidate is elected for at least one (1) year upon taking office; or
  - (B) have been elected as a small claims court judge in the township before 1999;
- (3) be of high moral character and reputation; and
- (4) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination or upon the filing of a certificate of candidate selection under IC 3-13-1-15. ~~or IC 3-13-2-8.~~

SECTION 14. IC 3-8-1-33, AS AMENDED BY P.L.14-2004, SECTION 52, AND AS AMENDED BY P.L.98-2004, SECTION 31, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 33. (a) A candidate for an office listed in subsection (b) must file a statement of economic interests.

(b) Whenever a candidate for any of the following offices is also required to file a declaration of candidacy or is nominated by petition, the candidate shall file a statement of economic interests before filing the declaration of candidacy or declaration of intent to be a write-in candidate, before the petition of nomination is filed, before the certificate of nomination is filed, or before being appointed to fill a candidate vacancy under IC 3-13-1: ~~or IC 3-13-2.~~

- (1) Governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, and state superintendent of public instruction, in accordance with IC 4-2-6-8.
- (2) Senator and representative in the general assembly, in accordance with IC 2-2.1-3-2.
- (3) Justice of the supreme court, ~~clerk of the supreme court~~, judge of the court of appeals, judge of the tax court, judge of a circuit court, judge of a superior court, judge of a county court, judge of a probate court, and prosecuting attorney, in accordance with IC 33-23-11-14 and IC 33-23-11-15.

SECTION 15. IC 3-8-7-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) If a person has been nominated as a candidate for the same office by:

- (1) both convention and petition;
- (2) both primary election and petition;
- (3) both primary election and convention;
- (4) more than one (1) petition; or

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(5) more than one (1) convention;  
the person's name may be placed on the ballot only once.

(b) This subsection applies only to a person nominated by both convention and petition. The person's name shall be placed on the list of candidates nominated by convention, and the place occupied by the person's name in the petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) no later than noon of the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by petition;

the person's name must be so printed and omitted from the list nominated by convention.

(c) This subsection applies only to a person nominated by both primary election and petition. The person's name must be placed on the list of candidates nominated by primary election, and the place occupied by the person's name in the petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) not later than noon the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by petition;

the person's name must be so printed and omitted from the list nominated by primary election.

(d) This subsection applies only to a person nominated by both primary election and convention. The person's name must be placed on the list of candidates nominated by primary election, and the place occupied by the person's name in the certificate of nomination of the convention must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a certificate of nomination for the office must be filed;

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(3) not later than noon the last day for filing a certificate of nomination; and

(4) requesting that the person's name be printed as nominated by convention;

the person's name must be so printed and omitted from the list nominated by primary election.

(e) This subsection applies only to a person nominated by more than one (1) petition. The person's name must be placed on the list of candidates nominated by petition for the first petition of nomination certified under IC 3-8-6 and filed with the election division or county election board under IC 3-8-6-10(c), and the place occupied by the person's name in a subsequent petition must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a petition of nomination for the office must be filed;

(3) not later than noon the last day for filing a petition of nomination under IC 3-8-6-10(c); and

(4) requesting that the person's name be printed as nominated by a subsequent petition;

the person's name must be placed on the list of candidates nominated by the subsequent petition.

(f) This subsection applies to a person nominated by more than one (1) convention. The person's name must be placed on the list of candidates nominated by convention for the first certificate of nomination filed with the public official with whom the certificate is required to be filed, and the place occupied by the person's name in a subsequent certificate of nomination of the convention must be left blank. However, if the candidate files a written statement:

(1) acknowledged before a person who is authorized to take acknowledgments;

(2) in the office where a certificate of nomination for the office must be filed;

(3) not later than noon the last day for filing a certificate of nomination; and

(4) requesting that the person's name be printed as nominated by a subsequent convention;

the person's name must be printed as nominated by the subsequent convention.

(g) If an individual is nominated as a candidate under IC 3-13-1 to fill a candidate vacancy, the individual is considered for purposes of

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1 this section to have been nominated in the same manner as the  
 2 candidate whom the individual succeeded or in the same manner as a  
 3 candidate would have been nominated if no nomination is made. ~~If an~~  
 4 ~~individual is nominated as a candidate under IC 3-13-2 to fill a~~  
 5 ~~candidate vacancy, the individual may not be placed on the ballot as~~  
 6 ~~the candidate of any other political party.~~

7 SECTION 16. IC 3-8-7-25 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. The election  
 9 division and each county election board shall have printed on the  
 10 respective general, special, or municipal election ballots the names of  
 11 the following candidates:

- 12 (1) Nominees chosen at a primary election under IC 3-10 and
- 13 certified as required by this chapter.
- 14 (2) Nominees chosen by a convention of a political party in the
- 15 state whose candidate received at least two percent (2%) of the
- 16 total vote cast for secretary of state at the last election and
- 17 certified under section 8 of this chapter.
- 18 (3) Nominees nominated by petition under IC 3-8-6.
- 19 (4) Nominees selected to fill a candidate vacancy under
- 20 IC 3-13-1. ~~or IC 3-13-2.~~

21 SECTION 17. IC 3-8-7-29 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 29. (a) This section  
 23 applies:

- 24 (1) if a person:
  - 25 (A) has been certified as a candidate in a certificate of
  - 26 nomination filed under this chapter;
  - 27 (B) moves from the election district that the person sought to
  - 28 represent following the filing of the certificate of nomination;
  - 29 (C) does not file a notice of withdrawal of candidacy under
  - 30 section 28 of this chapter; and
  - 31 (D) is no longer an active candidate; or
- 32 (2) if a person is disqualified from being a candidate under
- 33 IC 3-8-1-5.

34 (b) The county chairman of any political party on the ballot in the  
 35 election district or a candidate for the office sought by the person  
 36 described in subsection (a) may, upon determining that this section  
 37 applies, file an action in the circuit court in the county where the person  
 38 described in subsection (a) resided. The complaint in this action must:

- 39 (1) state that this section applies to the person; and
- 40 (2) name the person described in subsection (a) and the public
- 41 official responsible for placing that person's name on the ballot as
- 42 defendants.

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1 (c) When a complaint is filed under subsection (b), the circuit court  
2 shall conduct a hearing and rule on the petition within ten (10) days  
3 after it is filed.

4 (d) If the court finds in favor of the plaintiff, a candidate vacancy  
5 occurs on the:

6 (1) general election ballot; and

7 (2) primary election ballot if no other person is:

8 (A) a member of the same political party as the person  
9 described in subsection (a); and

10 (B) a candidate on the ballot for the office sought by the  
11 person described in subsection (a).

12 (e) The candidate vacancy shall be filled under IC 3-13-1. ~~or~~  
13 ~~IC 3-13-2.~~

14 SECTION 18. IC 3-9-1-5 IS AMENDED TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This section does not apply  
16 to the following candidates:

17 (1) A candidate for a local office for which the compensation is  
18 less than five thousand dollars (\$5,000) per year.

19 (2) A candidate for a school board office.

20 (b) Each candidate shall have a principal committee.

21 (c) A candidate shall file a written instrument designating the name  
22 of the principal committee and the names of the chairman and treasurer  
23 of the committee. The written instrument must be filed not later than  
24 the earliest of the following:

25 (1) Noon ten (10) days after becoming a candidate.

26 (2) Noon seven (7) days after the final date and hour for filing any  
27 of the following, whichever applies to the candidate:

28 (A) A declaration of candidacy under IC 3-8-2.

29 (B) A petition of nomination under IC 3-8-6.

30 (C) A certificate of nomination under IC 3-8-7-8.

31 (D) A certificate of candidate selection under IC 3-13-1. ~~or~~  
32 ~~IC 3-13-2.~~

33 (E) A declaration of intent to be a write-in candidate under  
34 IC 3-8-2.

35 (3) The date a candidate is required to file the candidate's first  
36 campaign finance report under IC 3-9-5.

37 (d) This designation may be made on the same instrument as the  
38 statement of organization required from the principal committee.

39 SECTION 19. IC 3-9-5-8.5 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8.5. (a) This section  
41 applies to a candidate who is selected to fill a vacancy on the ballot  
42 under IC 3-13-1. ~~or IC 3-13-2.~~

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(b) A candidate is not required to prepare or file a report before the nomination date.

(c) ~~Except as provided in subsection (d);~~ The period for the first report required for a candidate begins on the date that the individual became a candidate and ends fourteen (14) days after the nomination date.

~~(d) This subsection applies to a candidate selected under IC 3-13-2 to fill a vacancy on the ballot. A candidate is not required to prepare or file a report before or after the nomination date. The period for the first report required for a candidate begins on the date that the individual became a candidate and ends December 31 following the election.~~

SECTION 20. IC 3-10-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Special elections are governed by other provisions of this title as far as applicable.

(b) Except as provided in section 7 of this chapter, IC 3-12-8-17, or IC 3-12-11-18, candidates in special elections shall be nominated in the same manner as candidates are nominated:

(1) to fill vacancies on the ballot under IC 3-13-1; ~~or IC 3-13-2;~~  
or

(2) under IC 3-8-6, if a candidate does not intend to affiliate with a regular political party or represents a political party not qualified to nominate candidates at a primary election or by convention.

SECTION 21. IC 3-11-10-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.5. (a) This section applies to a voter

~~(1) voting by an absentee ballot that includes a candidate for election to an office who:~~

~~(A) ceases to be a candidate; and~~

~~(B) is succeeded by a candidate selected under IC 3-13-1; or IC 3-13-2; or~~

~~(2) casting a replacement absentee ballot under IC 3-11-2-16.~~

(b) If:

(1) the original absentee ballot has not been delivered to the appropriate precinct; and

(2) the absentee voter's name has not been marked on the poll list under section 16 of this chapter;

the absentee voter may recast the voter's ballot under this section. To obtain another set of ballots the absentee voter must present a written request for another set of ballots from the circuit court clerk.

(c) Upon receiving a written request under subsection (b), the circuit court clerk shall do the following:

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(1) Place the written request with the absentee voter's original ballots.

(2) Mark "canceled" on the original set of ballots.

(3) Preserve the original ballots with the other defective ballots.

(4) Deliver a new set of ballots to the absentee voter.

SECTION 22. IC 3-11.5-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) This section applies to a voter voting by an absentee ballot that is defective and ordered corrected under IC 3-11-2-16. ~~or includes a candidate for election to office who:~~

~~(1) ceases to be a candidate; and~~

~~(2) is succeeded by a candidate selected under IC 3-13-1. or IC 3-13-2.~~

(b) Through the last day before the election day, an absentee voter may recast the ballot during the period specified by IC 3-11-10-26. To obtain another set of ballots, the absentee voter must present a written request for another set of ballots from the circuit court clerk.

(c) Upon receiving a written request under subsection (b), the circuit court clerk shall do the following:

(1) Place the written request with the absentee voter's original ballots.

(2) Mark "canceled" on the original set of ballots.

(3) Preserve the original ballots with other defective ballots.

(4) Deliver a new set of ballots to the absentee voter.

SECTION 23. IC 3-12-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section does not apply to a vote:

(1) cast for president or vice president of the United States under IC 3-10-4-6; or

(2) described by section 15 of this chapter.

(b) A vote cast for a candidate who ceases to be a candidate may not be counted as a vote for a successor candidate selected under IC 3-13-1. ~~or IC 3-13-2.~~

SECTION 24. IC 3-12-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) This section applies to a vote cast for one (1) straight party ticket that includes a candidate for election to office who:

(1) ceases to be a candidate; and

(2) is succeeded by a candidate selected under IC 3-13-1. ~~or IC 3-13-2.~~

(b) A vote cast in the election for the original nominee is considered a vote cast for the successor.

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SECTION 25. IC 3-12-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 17. (a) This section does not apply to a vote:**

**(1) cast for president or vice president of the United States under IC 3-10-4-6; or**

**(2) described by section 14 or 15 of this chapter.**

**(b) A vote cast for a candidate who ceases to be a candidate after the delivery of absentee ballots to the circuit court clerk under IC 3-11-4-13 or IC 3-11-4-15 is considered a vote cast for the candidate's successor.**

SECTION 26. IC 3-13-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Except as provided in section 18 or 20 of this chapter, this chapter applies to the filling of a candidate vacancy that arises for any reason if the vacancy leaves a major political party without a candidate for the office and occurs before the ~~thirtieth~~ **thirtieth day required by IC 3-11-4-13 or IC 3-11-4-15 for the delivery of absentee ballots to the circuit court clerk** before a general, special, or municipal election.

SECTION 27. IC 3-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies to ~~the filling of~~ a candidate vacancy that exists due to the:

(1) death of a political party's candidate;

(2) withdrawal of a candidate who has moved from the election district;

(3) disqualification of a candidate under IC 3-8-1-5; or

(4) issuance of a court order under IC 3-8-7-29(d);

for nomination or election to an office at a general, municipal, or special election **on or after the ~~thirty-first~~ day required by IC 3-11-4-13 or IC 3-11-4-15 for the delivery of absentee ballots to the circuit court clerk** before a general, municipal, or special election.

SECTION 28. IC 3-13-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. (a) A candidate vacancy described by section 1 of this chapter may not be filled before the general, municipal, or special election.**

**(b) In the event of a candidate vacancy described in section 1 of this chapter:**

**(1) the name of the original nominee stays on the ballot; and**

**(2) if the original nominee wins the election, the vacancy in the office is filled under this article.**

SECTION 29. IC 33-23-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The statement

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1 of economic interests must be filed with the commission on judicial  
2 qualifications:

3 (1) not later than February 1 if the individual is required to file the  
4 statement as an officeholder; or

5 (2) if a candidate for office, before the individual (or a political  
6 party officer acting on behalf of the individual) files:

7 (A) a declaration of candidacy, if required under IC 3-8-2 or  
8 IC 3-8-4-11;

9 (B) a certified petition of nomination with the Indiana election  
10 division under IC 3-8-6;

11 (C) a certificate of nomination under IC 3-8-7-8;

12 (D) a certificate of candidate selection under IC 3-13-1; ~~or~~  
13 ~~IC 3-13-2~~; or

14 (E) a declaration of intent to be a write-in candidate, if  
15 required under IC 3-8-2.

16 (b) In a county where judges are selected by a county commission  
17 on judicial qualifications, a candidate must file a statement with the  
18 county commission on judicial qualifications and with the commission  
19 on judicial qualifications.

20 SECTION 30. THE FOLLOWING ARE REPEALED [EFFECTIVE  
21 JULY 1, 2005]: IC 3-11-2-4; IC 3-11-3-29; IC 3-11-3-29.5;  
22 IC 3-11-3-30; IC 3-12-1-16; IC 3-13-2-2; IC 3-13-2-3; IC 3-13-2-4;  
23 IC 3-13-2-5; IC 3-13-2-6; IC 3-13-2-7; IC 3-13-2-8; IC 3-13-2-9;  
24 IC 3-13-2-10; IC 3-13-2-11; IC 3-13-2-12.

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